

**MINUTES**  
**WARRICK COUNTY AREA PLAN COMMISSION**

Regular meeting held in Commissioners Meeting Room,  
Third Floor, Historic Court House,  
Boonville, IN  
Monday, April 11, 2011, 6:00 PM

**PLEDGE OF ALLEGIANCE.** A moment of silence was held followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Guy Gentry, President; Mike Moesner, Brad Overton, Marlin Weisheit, Larry Willis and Judy Writsel.

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director and Sheila Lacer, staff.

**MEMBERS ABSENT:** Phil Baxter

**MINUTES:** Upon a motion made by Larry Willis and seconded by Judy Writsel, the Minutes of the last regular meeting held March 14, 2011, were approved as circulated.

The President stated they are going to vary from the published agenda this evening since there is no petition to be heard this evening and they will first hear the Other Business regarding the complaint.

**OTHER BUSINESS:**

**Complaint:** James & Janet Wolfe, 5066 Jamestown Drive, Newburgh, IN. ~ Lot 18 Heritage Place Subdivision ~ Alleged junk/salvage yard in an "R-1A" Single Family Dwelling zoning district.

Jeff Wolf and his uncle, Anthony Wolfe was present.

The President called for a staff report.

Mrs. Rector stated James Wolfe owns the house and asked if he is present.

Jeff Wolfe stated James is his dad.

Anthony Wolfe stated the house is in his brother, James name and Jeff's wife's name.

Attorney Doll asked if she is present to which Anthony stated she is a nurse and is at work.

Attorney Doll stated so they don't have an owner of the property present.

Mrs. Rector asked why James Wolfe is not present.

Anthony Wolfe stated he has gout and it is hard for him to get out and about. He stated he has been here visiting and was over to the house doing some work one day and a lady and young man came to the house and talked to him.

Mrs. Rector stated that was her.

Anthony Wolfe stated he explained what he was doing there and they have got the front yard basically cleaned up and it is possible...

Mrs. Rector stated she needed to give a staff report to the Board before he continues.

Larry Willis stated the question is why the owner isn't here.

Mrs. Rector stated she believes that James Wolfe has some physical difficulties and he did call the office and spoke to her. She stated there have been various complaints against this property over the past several years and the Wolfe's were taken to court in 2005 and a court ruling was made for them to obtain the appropriate permits (fence and pool) and resolve their zoning violations which they did. She stated another complaint was filed on July 2, 2010 and the complaint was also forwarded to the Health Department. She stated the Zoning Inspector submitted a report and photos on July 16, 2010 indicating there were no zoning violations on the property. She stated the Health Department sent a letter on July 7, 2010 informing them of a complaint regarding trash and other debris collecting near the driveway and that garbage and debris may attract insects and rodents that could potentially lead to health risks. She stated they were given five days to respond to the letter. Mrs. Rector stated Aaron Franz, Warrick County Health Department, visited the property July 28, 2010 and reported there were no health violations and the file was closed until March of this year when Commissioner Tim Mosbey requested a new inspection be done on the property. She stated she inspected the property on March 17, 2011 and spoke with Mr. Wolfe's brother about the condition of the property. She added he indicated he was trying to fix the interior of the house to make it habitable again. She stated the property was found to be in violation of the Comprehensive Zoning Ordinance and a letter was sent to the Wolfe's informing them to take immediate action on cleaning up the property and that this matter would be placed on this agenda. She stated Mr. Wolfe telephoned the office after receiving the letter asking for more time to which he was informed the Board would have to grant additional time basically because of what they have been through before and having been to court. Mrs. Rector stated she did an inspection Sunday, April 10<sup>th</sup> and it appears that nothing has been removed from the property, just rearranged on the property. She stated it appears some trash was picked up in the front yard, however, I believe it is in the trash bags now in the backyard. She added the house has broken windows and a disintegrating deck. The soffit is also damaged but she doesn't know if that has anything to do with this Board. She stated she tried to arrange the pictures in order from March 17<sup>th</sup> and yesterday so they can see what changes

have occurred on the property. She stated she tried to take the same shots of the same areas for comparison. She stated there was some debris from the interior of the house in the front yard and that has been picked up and the motorcycle that was in the front yard has been moved to the back yard and there are additional trash bags in the back yard. She stated they can see from the pictures it still needs a lot of work.

Mrs. Rector asked Anthony Wolfe if this house is repairable.

Anthony Wolfe stated it is. He stated his brother James wanted him to find out if they would give them three weeks more to get it cleaned up because they are trying to get it livable so they can move back in to it. He stated they also have to build a wall where the stairway goes up because his nephew has seizures and added he spends more time in the hospital than at home.

Larry Willis asked if nobody lives there then how all this junk accumulated.

Anthony Wolfe stated it accumulated before he got here. He stated he is here visiting his family.

Larry Willis asked Jeff Wolfe how all this junk accumulated.

Jeff Wolfe stated it looks worse than it is and it is actually a livable home.

Larry Willis asked if anyone lives there now.

Jeff Wolfe stated no one lives there now.

Larry Willis asked when the last time someone lived there was.

Jeff Wolfe stated it has been weeks, not months.

Mike Moesner asked if it has been this year.

Jeff Wolfe stated yes and then commented about the past problems with the property. He stated there is stuff in the back yard that has accumulated. He stated that someone shot the window out since they left and things like that.

Mrs. Rector asked why a trampoline is in the back yard now and it wasn't there a month ago and no one living there.

Anthony Wolfe stated that was stupidity. He stated along with Jeff's seizures, he has memory losses and so he is on a lot of medications and they are trying to find out why he is having the seizures.

Mrs. Rector stated when Anthony was there he said he was trying to fix the house up so they could move back in it. She asked if there are any utilities at the residence now.

Anthony Wolfe stated no and the trash bags by the fence are from where he raked the yard and the trash bags have the leaves in them. He stated on the back porch where all that wood was has all been cleaned up and he has to get the old refrigerator out and some other things and finish cleaning the rest of the property up.

Mike Moesner asked if he is going to be actively involved in the cleanup procedure and make sure everything gets cleaned up and is making the commitment to do that.

Anthony Wolfe stated he is.

Mrs. Rector stated Attorney Doll can speak to this issue but Anthony Wolfe can stand up here and say he is going to do this, that and the other but it is the deeded owner who is responsible and is the one who will go to court and she doesn't know if what he is saying means anything.

Attorney Doll stated it doesn't.

Guy Gentry stated he doesn't think it would preclude the Board from taking action and if they want to give them a month and follow up with a letter to the owner and they are asking him to relay it to the owner and if it isn't cleaned up then proceed back to court or whatever they decide to do.

Attorney Doll stated they could take action immediately or give them a month if no one appeared.

Mike Moesner made a motion to grant them an additional 30 days or by the next meeting ...

Larry Willis stated he said he could get it done in three weeks so he would give them 21 days from tomorrow.

Attorney Doll asked him to define getting it "done". He stated they need to understand what they expect and when they expect it.

Larry Willis stated he made the statement that if they gave him three weeks he could get it done. He stated he understands what Attorney Doll is saying about defining what "done" means.

Attorney Doll stated he thought he heard Anthony say something about if they could get three weeks because they are trying to get the house livable and he guesses he stopped at that point and was trying to understand in three weeks do you expect the house to be livable and then people move in and then start the cleanup on the yard or does he mean that in three weeks they can have the exterior yard, front and back, all the trash picked up and hauled away.

Anthony Wolfe stated he has been working on it.

Attorney Doll stated he understands but he doesn't want anybody to have the wrong expectations next month, so what is he promising he will do or he will supervise being done to his brother's property in the next three weeks.

Anthony Wolfe stated the back porch has to be finished cleaned off and he thinks there is a dryer or something back there and there are some weed eaters. He stated the yard needs a good raking and the grass cut.

Attorney Doll stated so all the junk in the back yard, inside the fenced area he is saying they will haul that away within three weeks.

Anthony Wolfe stated all of it that is junk will be hauled off. He stated they have a little building there that they can put the weed eaters in them.

Attorney Doll stated so the trampoline is going to stay and the building and the above ground pool is going to stay.

Anthony Wolfe stated that is right.

Attorney Doll asked if anything else is going to stay.

Anthony Wolfe stated most of it is debris.

Attorney Doll asked about the front yard. He asked if there is anything in there he is promising to take out or is it pretty well done.

Mrs. Rector stated there is a swing frame in the front yard.

Jeff Wolfe stated they will either get it workable or get it out. He stated it is actually ...

Mrs. Rector stated it just needs a swing for it.

Guy Gentry stated the side yard is pretty...

Attorney Doll asked if they are going to get all the stuff out of the side yard. He added when he says they are going to get it out, he means it is going to dispose of it, not putting it someplace else.

Anthony Wolfe stated he has been taking things to the landfill.

Guy Gentry asked if the car is runnable and licensed.

Jeff Wolfe stated it is licensed and it is his daughter's car. He stated she is going to college right now.

Mrs. Rector stated there is no license plate on the car.

Anthony Wolfe stated it isn't drivable right now and from what he understands the clutch and maybe the transmission may be out of it. He stated he just came down here visit.

Guy Gentry stated he is having a working vacation.

Attorney Doll asked where he is from.

Anthony Wolfe stated he is from Evansville originally but he now lives in Georgia and he is a retired law enforcement officer.

Attorney Doll asked how long he will be here, will he be here the whole three weeks.

Anthony Wolfe stated he will be here as long as it takes.

Mrs. Rector again asked about the car.

Jeff Wolfe stated he can't promise the car will be running but it is almost drivable now. He stated they are working on it.

Attorney Doll asked if he has a license plate for it in the current year.

Jeff Wolfe stated right.

Anthony Wolfe stated he doesn't think there is no tag for the current year.

Jeff Wolfe stated he thinks he has the tag for this year but if he doesn't he will get it.

Attorney Doll stated will the motor start.

Jeff Wolfe stated the motor starts and runs but the clutch is out on it and it will take him a little time to get that done.

Attorney Doll stated he would advise he put a current tag on the car and as long as it will start then that will give him time to make it run.

Mike Moesner stated the next meeting is May 9, 2011 and he doesn't see any reason why they can't give him until May 5<sup>th</sup> and that would be on a Thursday and give staff enough time to inspect it.

Mrs. Rector stated she can go out on the 5<sup>th</sup> or 6<sup>th</sup> to inspect it but asked if he needs to come back to the meeting on May 9<sup>th</sup> for the Board to find him not in violation.

Attorney Doll stated what about if it was found to be cleaned up to the satisfaction of the site review.

Mrs. Rector stated the site review won't meet on this.

Attorney Doll stated in means the inspection. He stated if she goes out there on the 5<sup>th</sup> and she believes that it is in compliance does she still want the gentleman to come back.

Mrs. Rector stated she can do that.

Attorney Doll stated that needs to be explained in the motion, because he is ill.

Guy Gentry stated so they will be here unless he is told not to appear.

Jeff Wolfe stated he is in Deaconess a lot but if nothing else his wife can come.

Mike Moesner made a motion to give them until May 5, 2011 at which time an inspection will be done by the Executive Director on May 5th or 6<sup>th</sup>, and if she determines that it is cleaned up and all of the violations handled then it won't be necessary for them to reappear; otherwise, they (one of the owners) will be required to appear before the Board at the May 9, 2011, meeting. The motion was seconded by Larry Willis and unanimously carried.

Mrs. Rector stated they realize this means getting the license plates on the car as well.

### **AMENDING ORDINANCES TO THE SUBDIVISION CONTROL ORDINANCE**

AN ORDINANCE TO AMEND ARTICLE II DEFINITIONS SECTION 2 TERMS DEFINED BE HEREBY AMENDED BY ADDING SUBSECTION 2 (30a) PARCELS TO THE SUBDIVISION CONTROL ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA. *Advertised in the Boonville Standard March 31, 2011.*

*The purpose of this ordinance is to add a definition of "parcel" to the Subdivision Control Ordinance.*

Attorney Doll stated they created the parcelization statutes and there is no definition of a parcel in the ordinance. He stated there is not a definition of a parcel in the State zoning statutes either. He stated the closest definition to it is found in the Indiana Code Title 32-21-2-2. He passed out three statutes to the Board. He stated they will find an uncanny similarity to what the State Statute says and what the proposed definition is. He stated it is really hard to have a parcelization if they don't tell everybody what a parcel is and so this is an attempt to fix that problem. Attorney Doll stated it is word for word a copy of the State Statute if what a tract is so in effect they are making in Warrick County a parcel of real estate the same thing the State of Indiana calls a tract of real estate. He stated one of the other ways they could have done this was to say a parcel is hereby defined as the same thing as IC 32-21-2-2 but if you are builder or landowner you won't know what that says and have to look it up, so this is better. He stated this will allow parcelization to go forward and frankly the other two statutes in the same section of the code which talks about what happens when a parcelization of property happens and how the deeds are recorded and what steps you take and what questions can be asked first by the Auditor's Office

and the Assessor's Office and then the Recorder's Office. He stated the first page defines it, the third page talks about what can be asked and the last one talks about what the test is when it gets over to the Recorder's Office for recording.

Attorney Doll stated this sort of "fixes" a definitional loophole. He stated everybody remembers the parcelization statute was the request of the County Commissioners; it is a third way of dividing property besides a major or minor subdivision. He stated it allows, and they are about to restrict where, in certain zoning districts someone can more easily be able to transfer a piece of property to a son or daughter or stranger without having to create a minor subdivision. He stated it saves a lot of money and it is designed to be beneficial to the citizens and taxpayers of Warrick County. He stated other counties use parcelization; in fact he would submit that in eight counties, parcelization is the only way real estate is ever transferred because those counties do not have zoning. He stated Vanderburgh County has parcelization and so that is the purpose of this ordinance, to close the definitional problem.

Mrs. Rector stated there is an identical ordinance for the Comprehensive Zoning Ordinance as well and it is just defining what a tract or parcel means.

Discussion ensued over which ordinances had the definition.

Judy Writsel stated since the State refers to it as a tract, do it need to say also known as tract.

Attorney Doll stated that is why instead of just referencing the statute number they have the definition because throughout the ordinance they are called parcels. He stated if they had changed it to tract to immitate the State's definition they would have had to make a lot of other changes in the ordinance because they don't call it "tract"ilization.

Guy Gentry stated nowhere in the ordinance does it even reference the IC code.

Attorney Doll stated there are some issues; allegedly some of the coal companies combined parcels for property tax purposes. He stated Attorney Don Ashley and he have talked about this several times and sort of came to the conclusion that you can't protect people from their own harm. He stated if the coal company went to the Auditor's Office and said please put these five parcels together into one parcel and now later on they want a parcelization to occur then they only have one parcel, not five. He stated they can't fix that for them and they have to live with their consequences. He stated about a year ago Black Beauty had a thousand acres they wanted to sell and they went around and around about what is a parcel. He stated historically Black Beauty had said when they bought the ground over the past years, they bought them in 20 or 24 separate purchases from 24 different sellers and their opinion was they had 24 different parcels so they could do 24 simultaneous minor subdivisions and divide 1,000 acres. He stated everyone said they didn't think they could do that because you hold it together and it is contiguous and it is really one giant parcel of ground. He stated it finally came down to a Federal Court case he



found in the State of Tennessee that said, no, if they put it all together and hold it all together and it is all contiguous then it is a single parcel of property. He stated this has to be addressed because you can't tell people they can parcelize something when you don't tell them what a parcel is.

Ascertaining there were no other comments or questions from the Board the President called for a motion on the definition ordinances.

Larry Willis made a motion to recommend approval of this ordinance to the County Commissioners. The motion was seconded by Mike Moesner and unanimously carried.

### **AMENDING ORDINANCES TO THE COMPREHENSIVE ZONING ORDINANCE**

AN ORDINANCE TO AMEND ARTICLE II DEFINITIONS SECTION 2 TERMS DEFINED IS HEREBY AMENDED BY ADDING PARCEL TO THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA. *Advertised in the Boonville Standard March 31, 2011.*

*The purpose of this ordinance is to add a definition of "parcel" the Comprehensive Zoning Ordinance.*

Larry Willis made a motion to recommend approval of this ordinance to the County Commissioners. The motion was seconded by Mike Moesner and unanimously carried.

### **AMENDING ORDINANCES TO THE SUBDIVISION CONTROL ORDINANCE**

AN ORDINANCE TO AMEND ARTICLE II DEFINITIONS SECTION 2 TERMS DEFINED SUBSECTION 45 SUBDIVISION OF LAND AND SUBDIVIDE SUBSECTION (b) PARCELIZATION OF THE SUBDIVISION CONTROL ORDINANCE FOR WARRICK COUNTY, INDIANA. *Advertised in the Boonville Standard March 31, 2011.*

*The purpose of this ordinance is to change certain requirements for parcelizations.*

Attorney Doll stated as they can see, the **bold** print indicates the only language for their consideration. He stated this is the parcelization statute that was earlier adopted in Warrick County and it came to their attention that throughout the debate everyone expected parcelization only be done in mostly undeveloped areas, like agriculture or conservation districts but it didn't make it into the ordinance when it was passed. He stated they are doing a couple of things here; number one they are indicating that it may only be done in in Agriculture and Conservation zoning districts and they are going further by saying specifically it may not be done on any property located within a recorded major or minor subdivision. He stated in a subdivision if they are going to change the lots they need to do an amended plat, not a parcelization and they are not going to co-mingle these things because it will be a mess. He stated they are making it really

clear in this proposed amendment that you can only do parcelizations in an “A” and “CON” zonings. He stated you can have a subdivision in those zonings but not a parcelization in a subdivision. Attorney Doll stated the next thing they are doing is when they passed the ordinance they stated you could do one parcelization on your parcel of property in a year. He stated the minor subdivision ordinance says in twelve months and a year and twelve months aren’t always the same thing because you can have someone come in and do a parcelization in November and then come back in January and do it again on the remainder and that isn’t in the same year and it would have been technically legal but it wouldn’t have been twelve months and that wasn’t the intent of the ordinance. He stated this change puts the same twelve month limits on parcelizations. He stated this is cleaning up some of the things that have come up in the short time parcelizations have been occurring.

Mrs. Rector stated someone did a minor subdivision and then wanted to do a parcelization on something they just divided.

Mike Moesner stated he likes the “not yet approved as a building site” to which Attorney Doll stated that was already in the ordinance.

Brad Overton asked someone owns a five acre lot in a minor subdivision and that person wanted to sell ¼ acre to an adjacent property owner for additional property what would that fall under.

Attorney Doll stated that would be a lot line adjustment if it is inside a platted subdivision. He stated there are some steps to go through but that is the fastest solution.

Mrs. Rector stated as long as it isn’t a new building site they can do that.

Ascertaining there were no other questions from the Board the President called for a motion.

Brad Overton made a motion to recommend approval of this ordinance to the County Commissioners. The motion was seconded by Larry Willis and unanimously carried.

### **AMENDING ORDINANCES TO THE COMPREHENSIVE ZONING ORDINANCE**

AN ORDINANCE TO AMEND ARTICLE XV HIGHWAY COMMERCIAL “C-3” DISTRICT SECTION 3 PERMITTED USES BY ADDING LANDSCAPING BUSINESS TO THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA. *Advertised in the Boonville Standard March 31, 2011.*

*The purpose of this ordinance is add “landscaping business” as a permitted use in a “C-3” Highway Commercial Zoning District.*

Mrs. Rector stated a person questioned what zoning this use would go in and it wasn’t listed so it is being placed in the Highway Commercial district. She stated it is similar to a nursery and if

they want a store front it will fit as well. She stated there a lot of little landscaping businesses starting up lately.

Ascertaining there were no questions from the Board the President called for a motion.

Brad Overton made a motion to recommend approval to the County Commissioners. The motion was seconded by Larry Willis and unanimously carried.

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Mrs. Rector informed the President that Dixie Dugan, County Auditor, and Kim Kaiser from his office is present this evening and want to speak to the Board regarding parcelization. She stated they can explain the problems they are having and she has told them these ordinances were wanted by the County Commissioners after a period of several meetings. She stated she believes Attorney Doll can answer many of their questions.

Dixie Dugan thanked the Board for allowing him to speak and stated his main reason to be here is he would like to get the Planning Commission, the Auditor's Office and the Recorder's Office all to call an orange an orange instead some of them calling it an apple, an orange and a lemon. He stated they had that problem today. He stated the Recorder came to him and said "No, it isn't termed right." He stated he wants to bring up one very specific one that he refused to let Kim do. He stated they received a request from the Roettgers' out here ~ now they didn't receive it from the Roettgers they received it from a surveyor, with no power of attorney, nothing recorded. He stated they never talked to the land owners; never talked to the deeded people. He stated there are three deeds and only two of them, he forgets which, but one of the deeds is in both of their names and two of them in his or vice versa. He stated they wanted to take thirteen parcels and put into one big tract or parcel, whatever they want to call it. Mr. Dugan stated there are two parcels where their house sits and right next to it they want to take a portion of those and put into the big one, which apparently they want to sell. He stated they have a – supposed to be a legal description of what they want to sell and it was in error because when you start at a point and you go west with the drawing and the legal description says you go east, that had to be corrected. He stated the gentleman that made it was a little upset over that.

Mr. Dugan stated they have no legal description of the property that is left and he understands that was done for a reason by the Commissioners to save somebody some money but down the road somebody doing abstracts, or down the road if they want to know positively what the legal description of the plot that left for them actually is, what do they have? Positively nothing. Mr. Dugan stated he understands it was to save money; they wouldn't have to pay a surveyor to do it but he doesn't want his people trying to guess where it is at; he wants a surveyor's plot showing where it is at and he thinks they deserve that.

Mrs. Rector stated basically that takes it back to a Minor Subdivision.

Kim Kaiser stated that one was done more like a minor subdivision than any of parcelizations she has seen.

Mrs. Rector stated she is saying if they are going to do the legal for what is left then that basically does away with parcelizations and goes back to minor subdivisions.

Attorney Doll stated it would become an exception. He stated if he owned a twenty-five acre tract and that is all the ground he has he will call that the parent tract. He stated he wants to do a parcelization under subsection A, he can convey not more than two lots or parcels within a minimum of 2.5 acres located within a metes and bounds described legal description deed. He stated so he has to have somebody to find the metes and bounds of the two five acres lots that he wants to take out of his 25 acres. Attorney Doll stated somebody has to come up with a legal description of those two five acre lots, or whatever he is taking out. He stated that would be the deed that is going to whomever he is giving the property to or selling it to. He stated that would become an exception from the parent property, so you would have the legal left of what is owned, still by him, in that parent property ( now his 15 acres) as the parent minus the exception. He asked why that wouldn't answer their question.

Kim Kaiser stated she doesn't have a problem with that so much as on the Roettger one – she doesn't have a legal description for what they are splitting out either.

Attorney Doll stated then they aren't doing the parcelization correctly.

Mrs. Rector stated they have a legal description of the parcel they took out and put in with the one.

Mrs. Kaiser stated it is included in one big legal that included ten complete parcels plus part of three parcels, so she doesn't know how much acreage to take out because what is left they included like six parcels in one legal description.

Attorney Doll stated she realizes if somebody shows up with a deed for a transfer in their office, by State Statute, if you first make a finding that she can't determine what the results are of this division of property she has a right to ask the owner or the developer or in this case the surveyor to provide to her a drawing that shows her where it all came from.

Mrs. Kaiser stated that is what she thought the parcelization was supposed to cover.

Attorney Doll stated no, parcelization is an Area Plan Commission requirement were they can approve somebody dividing a piece of property but if when she sees the deeds, or deed, the instrument transferring fee simple title to less than the whole tract, that results in the division of the tract into at least two parcels of property for property tax purposes; that you don't have to record it until she sees reliable evidence of the following three things. He stated first is (1) The number of acres in each new tax parcel being created.

Mrs. Kaiser stated they gave that to her as a whole.

Attorney Doll stated the next is (2) The existence or absence of improvements on each new tax parcel being created and (3) The location within the original tract of each new tax parcel being created. He stated that is the part she doesn't understand from the deed she got on this one. He stated he doesn't know anything about that transaction but as he understands it, she has a right to ask that of the owner but that is not a parcelization issue that is State Statute and has been since 2002. He stated she can ask that of any deed that shows up that she doesn't understand what they have done with the property.

Mrs. Kaiser stated it says on the parcelization check list *(a) Drawing shall include metes and bounds legal description of any proposed newly created parcels. (on drawing or as separate attachment.)* She stated all she has is large pieces.

Attorney Doll stated he didn't understand what she read and asked what she is reading from.

Mrs. Kaiser stated it is the checklist for parcelizations that is attached to the ordinance.

Mrs. Rector asked what she means by "large pieces".

Mrs. Kaiser stated they are taking, in this one parcelization, about 20 parcels with three legals.

Attorney Doll stated so it is not really a division...

Mrs. Kaiser stated no.

Mrs. Rector stated they made one division, one parcelization. She stated they really didn't even really have to show all they did. She stated and then they wanted to create, as she understands, the two big parcels in the back they want to sell to a farm and so they did it as a plat of survey, which...

Mrs. Kaiser stated a parcelization map.

Mrs. Rector stated what she doesn't understand ...

Attorney Doll stated only a small part of that is a parcelization.

Mrs. Rector stated right.

Mrs. Kaiser stated there are two parcels that split.

Mrs. Rector stated they show all of that. She stated they had a site review and they were told they didn't even have to do anything with the back property.

Mrs. Kaiser stated this can't be combined because it is in more than one section.

Mrs. Rector stated she has nothing to do with them combining property and she doesn't know what their laws are of combining property for tax purposes but as she explained to Dixie (Dugan), this was done by a surveying company, US Surveyor, who goes way beyond what most companies do and he put at the top it is a Retracement Survey and they did all this and they put this parcelization down there. She stated she doesn't know if they can lawfully do that or not. She stated when they met with them (Auditor's Office) they said people could write a letter asking to combine their parcels into one piece and they could.

Mrs. Kaiser stated as long as they are on the same deed. She stated they have three parcels here that are being split but there is no legal for them.

Mrs. Rector stated there is a legal for this, pointing to part of the survey.

Mrs. Kaiser stated that is like five parcels. She stated part of three and then three or four more.

Mrs. Rector, pointing to the survey, stated so she has a legal for this parcel and one for the other two.

Mrs. Kaiser stated okay, what is their definition of a parcel because their tax numbers are considered parcels and she has like twenty parcels going into this.

Attorney Doll stated a definition of a parcel is what the State Statute calls a tract which is necessary for a deed transfer ~ common fee simple ownership contained within a continuous border; and a separately identified parcel for property tax purposes.

Dixie Dugan stated his question is what should they have done when the surveyor came to them and they didn't have any contact whatsoever with the owner, none whatsoever, three different deeds, what should they have done.

Attorney Doll stated he doesn't represent the Auditor's Office but the surveyor should have either had power of attorney or brought the owner with him or somebody that can speak on behalf of the collective owners so they know they are dealing with the appropriate party. He stated he doesn't think they can consolidate property – see parcelization is you taking it apart, what they really have here a little bit of taking it apart and lot of consolidating.

Mrs. Rector stated that is what they did.

Attorney Doll stated so this is a horse of a different color.

Dixie Dugan stated he believes it would have been a whole lot cleaner if they would have put all three deeds into one deed, under one owner and then started.

Attorney Doll stated so does he but sometimes they don't get to make those decisions for landowners. He stated he will tell him that probably the reason they are trying to put it into a

single tract is for property tax....title insurance purposes is what they are trying to do so when they write a title insurance policy they will have only one policy to cover the entire acreage for whoever they hope to sell it to, a developer or whatever.

Mrs. Rector stated they just sold it for farm ground, it was in the paper and the woman came into the office with the deeds. She stated she told Mr. Dugan this parcelization was not her idea in any way, shape or form; she likes the minors and the majors. She stated she guesses her problem with things is a surveyor has to record any survey they do, that is a state law whether the office looks at it or not, whether it is correct or in error it is not up to them to say a surveyor is correct, it is not up to the Auditor's Office to say that the surveyor did their job right or wrong, they are not surveyors, not engineers and not attorneys. She stated they can record what they want to record and they are the persons responsible.

Attorney Doll stated she is correct.

Mrs. Rector stated the staff tries to check what is supposed to be put on something out of the ordinance and they check the legals and try to make sure they are correct but when it all gets down to it, it is that engineer or surveyor who has signed it. She stated like she told Mr. Dugan, they could have walked into their office with three deeds and went over and recorded them without the parcelization existing and those deeds would have to be recorded. She stated now they are stuck on this and it is a mess doesn't mean that they can't record those three deeds and sell off that property. She stated they can't stop them.

Mrs. Kaiser stated she was informed by the Plan Commission Office that this was a parcelization coming through their office.

Mrs. Rector stated it is but what she is saying is they could have done those deeds and the office wouldn't have known anything about it and they would have been able to record them. She stated she doesn't think anybody can stop you from recording a document.

Mr. Dugan stated the Recorder came over today and showed him that by State Statute that she doesn't record a thing until it clears his office's plat division.

Attorney Doll stated it is controlled by IC 32-21-2-13 which is what he read earlier and he will read it again. *If the auditor of the county or the township assessor (if any) under IC 6-1.1-5-9 and IC 6-1.1-5-9.1 determines it necessary, an instrument transferring fee simple title to less than the whole of a tract that will result in the division of the tract into at least two (2) parcels for property tax purposes may not be recorded unless the auditor or township assessor is furnished a drawing or other reliable evidence of the following: (1)The number of acres in each new tax parcel being created. (2) The existences or absence of improvements on each new tax parcel being created. (3) The location within the original tract of each new tax parcel being created. Any instrument that is accepted for recording and placed of record that bears the endorsement*

*required by IC 36-2-11-14 is presumed to comply with this section.* He stated that section talks about is that the Recorder may record a deed of partition or conveyance of land or an affidavit of transfer to real estate only if it has been endorsed by the auditor of the property county as duly entered for taxation subject to final acceptance for transfer or not taxable or duly entered for taxation as provided by State Statute. He stated so the first step you go to Assessor's Office and you show them the deed and the real estate disclosure statement and then you go to the Auditor's Office and if the Auditor doesn't understand what the deed is trying to do then they get to say to the landowner you want to see a drawing. He stated it says that in the State Statutes and that drawing has to show them three things: the number of acres and improvements from the original parcels it came out of.

Mrs. Kaiser stated this is in contradiction to their definition of a parcel.

Attorney Doll stated it is not.

Mrs. Kaiser stated they are contiguous but they are still in one ....

Attorney Doll stated it came out of...it can't be contiguous anymore once the parcelization is finished. He stated a parcel is one piece of property out of which somebody wants to transfer away five acres out of the side or middle of it typically to a son or daughter or someone else, that is what a parcelization is but the question gets to be is what is the beginning parcel of which it came from and there isn't anything in the County Ordinance that defined it. He stated there was this statute in the very same section as the others are that says what a tract is and to make it consistent at both the State and local level we adopted exactly the same wording. He stated so if someone shows up in their office with a deed and a disclosure statement and they have been to the County Assessor and it seems clear to them what has been done then he thinks they have to accept and stamp it and send it on to the Recorder's Office. He stated if it seems unclear to them, under this statute (nothing the Plan Commission does) Auditors have the authority to say furnish me a drawing so they can see what has been done so they don't get the tax records screwed up. He stated once they have done that they stamp it and the disclosure statement and sent them to the Recorder's Office.

Dixie Dugan stated it goes to the Assessor first.

Attorney Doll stated that is correct, it starts with the Assessor so they can break it out for property tax assessment purposes and then they come to the Auditor for property tax roles and then Recorder.

Mrs. Kaiser stated they are back to the same point though. She stated if it goes through Area Plan as a parcelization it is supposed to have a metes and bounds description of what is being split out.



Attorney Doll stated by definition it will always have a metes and bounds description of what is being split out because it is not a lot in a subdivision and that has to exist or they couldn't have a deed.

Mrs. Kaiser stated they didn't give her one of what was being split.

Attorney Doll stated they don't have to give her what is left as he hears what she is saying.

Mrs. Kaiser stated no, they took some ... the only legal is 100 plus acres, it is not what they took out of one parcel.

Attorney Doll stated he didn't create this once particular description she is talking about, he doesn't create any because he isn't a surveyor, but he has done thousands of deeds over 35 years and there has to be a legal description for what they parcelized, what they severed out of that bigger tract.

Mrs. Kaiser stated it wasn't on the parcelization.

Mrs. Rector stated it seems to her that they are arguing over one parcelization and she thought they had an issue with all parcelizations and so do they have an issue with parcelizations period or just the Roettger property.

Mrs. Kaiser stated basically this one but they are not consistent.

Mrs. Rector stated they have already recorded the deeds to that haven't they.

Mrs. Kaiser stated she was told she couldn't refuse them.

Mrs. Rector stated she understands this was a mess and one of the girls in the office checked it and they went down through it and she didn't realize what Kim is saying about the mistakes with the legal. She stated there are three legals on there and she thought if you went one direction say northeast and the other will be going southwest and she didn't know that in the legal you had to change it and on the plat and that was their mistake and they need to do a surveyor's affidavit to correct the legal. She stated when they met with them at site review she thought they were just going to do the two small parcels down at the bottom.

Attorney Doll stated they should have given them a legal description of the two little parcels at the bottom.

Kim Kaiser asked should it have been on the parcelization that went through the Area Plan Commission by the ordinance.

Attorney Doll stated he doesn't think the ordinance says it has to be on there but it says it has to exist. He stated it says if the requirements have been met a plat of survey would be required to

make a metes and bounds description of the parcels which would be recorded in the Office of the Warrick County Recorder. He stated it doesn't say it is on anything...

Kim Kaiser stated look at the check list for parcelization.

Attorney Doll stated that is what he is reading from.

Mrs. Kaiser stated that isn't the same as hers; hers is three pages long and showed it to Attorney Doll.

Attorney Doll asked if they were furnished a drawing of these parcelizations.

Mrs. Rector stated it is right there before him.

Attorney Doll asked if they were furnished a legal description of these parcelizations.

Mrs. Rector stated they are on there.

Attorney Doll and Mrs. Kaiser discussed the survey.

Attorney Doll stated they are trying to fix a problem that a survey has created not the law. He then asked her to show him and explain what she has drawn.

Mrs. Kaiser explained which piece was split from which piece and what was left and stated there are three legals with nothing to tell her from either one.

Further discussion ensued over what pieces were parcelized from which piece with Mrs. Kaiser stated she didn't know.

Pointing to the survey, Attorney Doll stated he would believe that this parcel came out of "these" pieces and so the legal description for the parcelized pieces would be this legal description (on the plat) less what is left. He stated it looks like somebody has surveyed this ground.

Mrs. Kaiser stated they have made like six parcels (into) one legal.

Attorney Doll asked if that is an exception.

Mrs. Kaiser stated it is not. She then pointed to several parcels and stated they made it into a legal.

Attorney Doll stated that in his opinion, under the law, this is not a problem with the ordinance this is a problem with the surveyor and he should have broken them out instead of one legal into three legals if that is what it is. He stated but that doesn't make the ordinance wrong or the ordinance bad and it doesn't even mean they didn't try to comply with the ordinance, they gave you a legal but they didn't give you a legal for each separate one they gave you one legal and put

them all together and they probably shouldn't have done that. He stated he thinks they have the right to question this particular survey but if they comply with the ordinance otherwise and give you a legal description and you understand it he doesn't think there is anything to preclude you from recording it for transfer so it can go over to the Recorder's Office for recording of the deed. He stated if they don't do that they will probably all get sued. He stated he thinks this is a bad survey.

Mrs. Kaiser stated it was supposed to be a parcelization.

Attorney Doll stated they didn't make this survey; that doesn't mean that maybe they shouldn't have caught it but they didn't make this survey. He stated he would have said these had to be broken up ~ they came out of separate tracts, part of it went into a bigger tract and part of it stayed out and it should have been separate legal descriptions for each of these three different pieces.

Mrs. Kaiser stated that is what she is trying to get ~ so it doesn't happen again. She also commented there is a section line there too.

Attorney Doll stated this is the most screwed up survey he has seen in, not thirty four years but a long time and he can't tell....what she can or can't do for creating separate parcels in two different sections they (APC) doesn't have any control over, that is Auditor law ~ that is between them and the State Board of Accounts. He stated if it takes two separate tax identification numbers because you cross a section line give them two, but in terms of the law of the transferring of it, it is one tract now. He stated there is a lot of farm ground that crosses section lines.

Dixie Dugan stated the State Board of Accounts told him that a surveyor's map was not a conveyance of transfer.

Attorney Doll stated he agrees.

Kim Kaiser stated they did record a deed.

Attorney Doll stated this (plat) is just a picture and it is the deed that controls.

Mrs. Rector stated that is true even with the minor subdivisions. She stated it is really not transferring anything until a deed comes through.

Mrs. Kaiser stated so she isn't even supposed to split out parcelizations.

Mrs. Rector stated not until a deed comes through.

Attorney Doll stated that is when they see it.

Mrs. Kaiser stated they see the parcelizations.

Mrs. Rector stated Mrs. Kaiser looks at the parcelizations and she is checking them; which she doesn't think that is her job, it is the deeds that are her job.

Attorney Doll asked Mrs. Kaiser why she is checking the parcelizations.

Dixie Dugan stated they have to make the plat.

Attorney Doll stated they don't do it until they get a deed. He stated it could all fall through. He stated if they go checking or changing the records of the Auditor's Office before a deed comes to them to be approved...

Mrs. Kaiser stated so she shouldn't be doing subdivisions or anything.

Attorney Doll stated they could fall apart between leaving the office and getting to them and then she would have to back it all out.

Mrs. Kaiser stated they have. She stated so she shouldn't do any subdivisions ...

Attorney Doll stated she doesn't work for him and he doesn't get to tell her what to do or not to do but he can tell her that until a deed crosses her desk it is all just talk and it could change ten times and he wouldn't be putting ink on paper until she sees a disclosure statement and a deed and if you have a screwy survey she can open up that ordinance and say she wants to see a better picture because she doesn't understand what they have done. He stated that doesn't make parcelization right or wrong but he doesn't think she checks the parcelizations or worry about them until she gets a deed because, frankly, it could change so much.

Kim Kaiser stated so do the minor subdivisions.

Attorney Doll stated he knows that and he isn't telling her what to do with minor subdivisions either but he wouldn't be changing anything for a minor sub, major sub or parcelization until she sees a deed.

Kim Kaiser stated subdivisions don't all sell at one time.

Attorney Doll stated subdivisions are typically acquired by somebody and developed at one time and there is a plat at that point and a deed happens then and then she could do the change but he guesses he is trying to understand what she is trying to say. He asked if she is saying when a subdivision is approved and before the first lot is sold she is dividing them up.

Mrs. Kaiser answered yes because the lots have to be given tax codes.

Attorney Doll stated he thinks that is probably the right thing to do on major subdivisions but he doesn't think that is the right thing to do on a parcelization because there is no approval of a plat in a parcelization, you just get a deed.

Dixie Dugan thanked the Board for their time and stated he is trying to learn and to get everybody on the same page.

Attorney Doll stated if he wants him to answer questions or Mrs. Rector wants him to answer questions just ask.

Mr. Dugan stated he certainly appreciates their input and their time.

Guy Gentry stated he wishes they could have gotten it clearer for him.

Attorney Doll stated this is not a good survey to learn this process on.

### **ATTORNEY BUSINESS:**

#### **Complaint Agreement**

Attorney Doll stated they have a copy of an email from him to Mrs. Rector dated March 18<sup>th</sup> regarding a citizen's complaint last month and the party who complained came back and said she was really unhappy because the true owner of the property didn't appear, and she is right, the true owner of the property should appear when we have a citizen's complaint. He stated otherwise they are just taking to anybody.

Guy Gentry stated like tonight.

Attorney Doll agreed, like tonight. He stated he recommends to the Plan Commission that they really try to make certain an owner is present when they are talking about complaints. He stated the second paragraph in the email that he wants to call their attention to. He stated he and Mrs. Rector have been wrestling with the idea of how to clean up the citizen complaints economically and try to the best extent possible of keeping them from reoccurring. He stated if they read the paragraph he is considering drafting a form agreement to use in a cleanup complaint case. He stated there could be an agreement between the property owner and the County that the Inspector or staff could have that would require each property owner to sign after the site has been cleaned up or the agreement could be at the beginning of the cleanup and say that not only will they clean it up they but they agree not to allow the property to return to a condition of violation and provided that it does the County has the ability to go immediately to Court to seek a violation. He stated the goal is not to have to go to Court but to have some written agreement between the parties. Attorney Doll stated will this always be helpful, he doesn't know, it is only as good as the people making the bargain and if some landowner doesn't care if their property looks like a junkyard they it probably isn't worth the paper it is written on. He stated they are trying to figure

out a way to make clean-up complaints last longer and be cheaper to do. He stated he has been chasing Mr. Smith since August and every time he goes to Court the County pays him to go to Court. He stated one of these days they are going to have to send the County out there with a Deputy Sheriff and clean the yard up because they have a Court Order that says to do it. He commented that an agreement probably would not have worked with Mr. Smith but there are others who may have let their property fall into disrepair but truly care and would like to get it cleaned up and if they could give them a little push without taking them to Court they might be able to get them to do it. He stated his advice is for them to think about this and think if they think drafting an agreement is worth their time and if they think it does then he and Mrs. Rector will discuss what should be in it and will bring them a draft copy.

Guy Gentry stated he thinks the only way they can use this is for extra leverage in a Court case. He stated people are either going to clean it up or they are not. He stated he has a problem with the whole ordinance and the whole deal; he hates doing this stuff. He stated when he was on the Sheriff's Department you would go into homes with the Division of Family and Children and kids were living in filth and they would say they have the right to live in the filth they want. He stated that has set in his mind because people have different appearances. He stated Mr. Smith thinks his property is fine and he doesn't see it as a problem. He stated he honestly thinks it has cleaned up quite a bit from when it started.

Marlin Weisheit stated he hand delivered him a letter from the Commissioners to give him thirty days which is all of this month. He stated on the first of May they are sending the Highway Department out to remove anything that is left. He stated he explained to Mr. Smith in detail that rather than the County hauling it off and putting a lien against his property he might as well move it off himself. Mr. Weisheit stated he has moved quite a bit of stuff and he has been working on it and so whatever he moves it the less the County has to move.

Guy Gentry stated as Attorney Doll stated earlier, you have to be specific in what you want gone; you can't say get it done or clean it up, you have to say move the grill, this moved, that moved, etc. He stated that would all have to be in that agreement otherwise there is too much ambiguity. He stated he thinks it is probably good if they come up with something like that.

Mrs. Rector stated she feels with the people tonight it is just their way of living. She stated where they live now (on Lincoln Avenue) looks just as bad as the house with the complaint but no one has filed a complaint on the Lincoln Avenue house and she didn't know if she should comment on that house or not. She stated when Nova Conner was a Commissioner and on the Plan Commission, she talked to them and tried to get the yard cleaned after the tornado went through. She stated they cleaned it up a little bit. Mrs. Rector stated when she was at the property and talked to Anthony Wolfe he said he came up here and they have two places he has to clean up. She stated he asked her if she was over at the Lincoln Avenue house because someone was taking pictures.

Guy Gentry stated that is why he hates these.

Judy Writsel stated she thinks it would be very helpful to have a clarified list of what is wrong with the property. She stated for example do they want bushes trimmed or is that ok. She stated there is a lawn mower in the yard; can it still set out if it is a riding mower and there is no shed or does it have to be put away. She stated do the tools have to be put away. She stated this is really confusing. She asked if a perfectly healthy, brand new riding lawn mower sitting in the yard a violation.

Mrs. Rector stated that is not a violation.

Mrs. Writsel stated so she saw some nice things in the photographs (Wolfe). She stated she saw a decent grill and bicycle and they might be confused as to what they have to put away and she thinks a really clarified list of what are the problems.

Attorney Doll stated the ordinance defines what they have jurisdiction over as “junk” and it includes but not limited to wrecked or inoperable vehicles, parts of vehicles, scrap iron and other metal, wood, paper, rags, rubber tires, bottles and then the all-inclusive etc. He stated it is like art, it is in the eye of the beholder. He stated the problem also is they have a public nuisance provision and that is undefined. He stated you can ask everyone in this room and they all may have a different idea of what constitutes a public nuisance.

Judy Writsel stated for the one they are talking about right now, out front there are little stone pavers along the sidewalk are in disarray and asked if that is considered unacceptable.

Mrs. Rector stated that is not.

Mrs. Writsel stated but the people might not understand that. She stated they might think they have to get the sidewalks straightened up and she thinks it would help if they know exactly what they are asking them to do and what not to move like the trampoline and swimming pool.

Guy Gentry stated that is what Mr. Smith continued to ask. He stated he wanted directions and he thinks the Court finally gave him that but it still didn’t happen but he stated he thinks that might be the methodology in this agreement.

Attorney Doll stated they could put a variable section with some lines in which the Inspector or staff at the sight can ball point in such as Corvette car has to be off blocks and out of front yard and dump truck out of the side yard. He stated this is stuff they see all the time so you can define it if you want to.

Mike Moesner stated an item here, there or yonder is okay but when you start adding two or three items it all adds up. He agreed it is in the eye of the beholder but you know what it is when you see it.

Mrs. Rector stated you do and she told Anthony Wolfe that he has to understand the neighbors don't want to look at this and he said he did. She stated if you have two grills that is one thing, but ten grills and half of them are laying on the ground with parts and wheels off that is junk but they may not think it is because they are going to put the wheels back on it.

Mrs. Writsel stated there is a nice metal patio table turned upside down and commented it could have glass put in it and it would be fine and asked if he has to get rid of that or put it up against the wall until he can get some glass in it.

Mrs. Rector stated before when they dealt with this family they put several items under their deck behind the lattice work. She stated that entire lattice has now fallen down.

Larry Willis stated he tried to get him to explain how all that got there and he couldn't tell him.

Mike Moesner stated one the gentleman has trouble communicating and with everything he has going on he may not remember from day to day what is going on.

Discussion ensued over who was on the deed.

Brad Overton asked if they could just define something that says if something is a detriment to the property value...

Attorney Doll stated Bruce Miller lived in his subdivision and had a big, beautiful white house on the other side of the lake and he sold his house to a very nice couple who has painted this house the most awful shade of blue you have ever seen. He stated they think it is beautiful but it is a lot of blue and it has to reduce the value of the house.

Brad Overton stated he guesses that is the problem because it is hard to define.

Attorney Doll stated they need to be very careful in taking action in Court and they have been very prudent so far. He stated they have had no hesitation so far from any of the Judges they have been before so far.

Mike Moesner stated he thinks their record has been pretty good so far over the years because they have been lenient with the people and giving them the opportunity to do what they need to do but at a certain point if they don't then the Board has done the right thing.

Larry Willis stated in this case they have already been to Court once and it irritates him that a year and a half later they are back in the same situation.

Attorney Doll stated it is five or six years later because it went to Court in 2005.

Mrs. Rector stated she will be surprised if anyone ever lives there again and she isn't sure if they are trying to fix it up or strip it out.



Judy Writsel asked about problem properties within a city or town versus properties in rural areas. She stated she sees farms with all kinds of implements and stuff piled up.

Attorney Doll stated a lot of farmers used to keep their old implements for years but when scrap iron prices got so high most of the scrappers tell him there isn't an old combine sitting around anyplace in Indiana. He stated this Board doesn't have jurisdiction over Chandler, Boonville or Newburgh but anywhere else in the County they do. He stated he will tell them that if they send him to Court against an agricultural site and it is because there are farm implements there he will earn his dollars that day because he doesn't think there is a Judge in the County that will let them close down a farm operation because it doesn't look good.

Marlin Weisheit stated the same with some commercial operations within the towns.

Judy Writsel stated there is one house in Lynnville where the man restores antique cars and the parts for his antique cars may be sitting out in the yard and some people find that offensive. She stated some people like to do welding crafts and create pieces of art and so they have scraps in their yard.

Attorney Doll stated there is one more thing to point out about agriculture is that it is a protected industry and there is a State Statue called what he believes is the Freedom of Farm Act that says if a farm operation existed and a subdivision comes in later they don't have a right to complain about the farmer.

#### **EXECUTIVE DIRECTOR BUSINESS:**

Mrs. Rector stated it has always been a policy that they had to have a signed complaint for them to go someone's property, even from a Board member or a Commissioner.

Attorney Doll stated and they don't in this last case.

Mrs. Rector stated they do not.

Attorney Doll stated he thinks they have to have one.

Mrs. Rector stated she had one originally from July and actually she probably would have found it in violation then but the Inspector didn't go to the back yard and take pictures. She stated in this case the neighbor continued to call a Commissioner who called her and she said they needed a complaint filed. She stated she wants the Board to back her up when she tells the Commissioners that this is the policy.

Morrie Doll asked if that was in the Rules of Procedure and stated if it isn't it should be.

Mrs. Rector stated she will check it and if it isn't she will get it in.

Attorney Doll stated it needs to be in writing and it needs to be signed either in the presences of a staff member or a notary.

Mrs. Rector stated this policy does help the elected officials in that people have to follow policy.

Being no other business the meeting adjourned at 7:40 pm.

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Guy Gentry, President

ATTEST:

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Sherri Rector, Executive Director